

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 2620	DATE	11/16/2001
CASE TITLE	Daryl Murphy vs. Deborah Joyner et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:****Memorandum Opinion and Order****DOCKET ENTRY:**

- (1)  Filed motion of [ use listing in "Motion" box above.]
- (2)  Brief in support of motion due \_\_\_\_\_.
- (3)  Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4)  Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5)  Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6)  Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7)  Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8)  [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9)  This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
 FRCP4(m)    General Rule 21    FRCP41(a)(1)    FRCP41(a)(2).
- (10)  [Other docket entry] Enter Memorandum Opinion and Order. Plaintiff wishes to appeal without prepayment of fees. He has filed an application which, if supported by an affidavit, establishes that he is unable to pay the costs of the proceedings. But that is not enough to permit this court to grant this application. Plaintiff is directed to file the required affidavit within 14 days.
  
- (11)  [For further detail see order attached to the original minute order.]

	No notices required, advised in open court.		
	No notices required.		
	Notices mailed by judge's staff.		
	Notified counsel by telephone.		
<input checked="" type="checkbox"/>	Docketing to mail notices.		
	Mail AO 450 form.		
	Copy to judge/magistrate judge.		
WAH	courtroom deputy's initials		
		number of notices  DV 16 2001 date docketed	Document Number  47
		docketing deputy initials  J	
		date mailed notice	
		mailing deputy initials	
		Date/time received in central Clerk's Office	

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DARYL MURPHY )  
                  )  
                  )  
Plaintiff,     )  
                  )  
vs.              )     No. 00 C 2620  
                  )  
DEBORAH JOYNER )  
WILLIAM WHITLEY )  
                  )  
Defendants.    )

BUCKETED  
NOV 16 2001

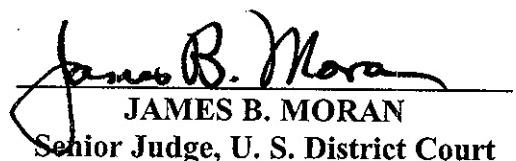
MEMORANDUM OPINION AND ORDER

Plaintiff wishes to appeal without prepayment of fees. He has filed an application which, if supported by an affidavit, establishes that he is unable to pay the costs of the proceedings. But that is not enough to permit this court to grant this application. Rule 24 of the Federal Rules of Appellate Procedure states that the plaintiff must file with this court an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms, the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

We can grant this application only if the issues to be presented are not frivolous. That is, this court need not agree with plaintiff's position but plaintiff must be able to make some reasonable arguments in support of his position.

Plaintiff is directed to file the required affidavit within 14 days.

  
JAMES B. MORAN  
Senior Judge, U. S. District Court

Nov. 16, 2001.

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